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8 Attorneys for the Plaintiff

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 OAKLAND BRANCH

12 UNITED STATES OF AMERICA, )

13 ) No. CR-07-00409-SBA

14 Plaintiff,

15 ) STIPULATION AND ORDER

16 v. ) TO VACATE TRIAL DATE

17 ) AND SET FOR STATUS HEARING

18 JOEL SANCHEZ, and )  
19 ALFREDO SANCHEZ, )

Defendants.

)

)

It is hereby stipulated, by and between the parties that the jury trial currently set for

March 10, 2008 be vacated and that the matter be set for a status hearing on March 25, 2008 at 9:00 a.m., or to a new date and time thereafter convenient to this Court.

It is also stipulated that the period from February 20, 2008 to March 25, 2008, 2007 shall be excluded from the calculation of time in which the trial of the above captioned matter must commence pursuant to the Speedy Trial Act, Title 18 U.S.C. Section 3161(c). The parties stipulate that the time is excludable from the time limitations of the Speedy Trial Act because the interests of justice served by granting a continuance.

Such continuance is required because the government has received additional evidence

1 which necessitates that the indictment be superseded. The government intends to supersede the  
2 indictment the week of March 10, 2008. This continuance will allow the reasonable time  
3 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C.  
4 Sections 3161(h)(8)(A) and (B)(iv).

5 As such, the parties respectfully request that the trial date of March 10, 2008 be vacated  
6 and the matter be continued to March 25, 2008 at 9:00 a.m. for a status hearing.

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8 DATED: February 29, 2008

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/s/  
KIMBERLY M. BRIGGS  
Assistant United States Attorney

12 | DATED: 2/27/08

/s/  
**EDWARD G. DUREE**  
Attorney for Joel Sanchez

14 || DATED: 3/3/08

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/s/

**ROBERT L. FORKNER**  
Attorney for Alfredo Sanchez

16                 Based on the reason provided in the stipulation of the parties above, the Court hereby  
17 FINDS that for adequate preparation of the case by all parties - specifically, to allow the  
18 government to supersede the indictment - pursuant to 18 U.S.C. Sections 3161(h)(8)(A) and  
19 (B)(iv) an exclusion of time is warranted under the Speedy Trial Act. Based on these findings,  
20 IT IS HEREBY ORDERED THAT the jury trial currently scheduled for March 10, 2008 at 8:30  
21 a.m. shall be vacated, and the matter shall be continued for a status hearing to **April 1, 2008** at  
22 9:00 a.m.  
23

24 IT IS SO ORDERED.

25

DATED: 3/4/08

26

Saundra B Armstrong  
SAUNDRA BROWN ARMSTRONG  
United States District Judge